REMARKS

Response to Objection to the Specification

Examiner objected to the Abstract as not summarizing the invention. Applicants have amended the Abstract to summarize the invention. In doing so, Applicants have added no new matter. Applicants respectfully request that this objection be withdrawn.

Response to Objection to the Claims

Examiner objected to claims 3-7 because of multiple dependent claims were dependent from multiple dependent claims. Applicants have amended claims 4-7 to address this objection. Applicants note that the objection, as applied to claim 3, is improper. Applicants have amended claim 3 to incorporate proper multiple dependent language. Applicants respectfully request that this objection be withdrawn and that claims 3-7 be examined on their merits.

Response to Rejections Under 35 U.S.C. § 103(a)

Examiner rejected claims 1 and 2 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,985,337 ("Blortz") and U.S. Patent No. 5,882,718 ("Pommer"). Applicants aver that Blortz and Pommer, alone or in combination, do not teach or suggest every element of claim 1.

The present invention represents an advance over prior art methods of hydrolyzing animal protein, it obviates the need for laboriously extracting endopeptidases from bacterial fungal materials in order to use such enzymes in protein hydrolysis. Both Blortz and Pommer are directed to the hydrolyzation of meat protein under different conditions using endopeptidases derived and purified from bacteria or fungi. However, nowhere in Blortz or Pommer is there disclosed the use of plant materials, such as papaya or ginger, to effect hydrolysis on a meat protein so as to manufacture proteoses.

Neither is the use of plants to effect hydrolysis of meat protein suggested by Pommer in combination with Blortz. While Pommer discloses that certain endopeptidases, such as cucumisin, are derived from plants, there is no suggestion in the prior art as to how or if one could use a finely cut plant material in its natural form, rather than a purified extract of an endopeptidase, to achieve a similar hydrolyzing effect, as the present inventors have shown. The prior art of Blortz and Pommer employs extracts of endopeptidases separated from any nucleic acids, lipids, or other cell material that could inhibit the activity of the enzymes. The prior art does not give rise to a reasonable expectation that endopeptidases contained in unprocessed plant materials would be present in sufficient quantity, or be sufficiently active to effect the protein hydrolysis demonstrated by the present invention.

Because all elements of claim 1 are neither taught nor suggested by the cited prior art, claim 1 is patentable. Claims 2-7, being dependent from claim 1, are patentable for this reason and on their own merits. In particular, claim 5 recites a hydrolyzing composition having between 80 and 95.5 % by weight of animal protein, a limitation that is neither taught nor suggested in either Blortz or Pommer.

Conclusion

All claims presently in the application are believed to be allowable over the art of record and early notice to that effect is respectfully solicited. Applicants do not believe that any fees are due with this response; however, Applicants request that any fees for extensions or for additional claims be charged to Deposit Account No. 19-4972.

Dated: April 1, 2008

Respectfully submitted,

/Kregg T. Brooks, # 58,124/
Kregg T. Brooks
Registration No. 58,124
Attorney for Applicant

Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
(617) 443-9292

02471/00108 834236.1